

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTSCIVIL ACTION  
DOCKET NO. CV-1:05-cv-11694

ERIC C. PEARCE,	)	
	)	
Plaintiff	)	<b>AMENDED MOTION TO DISMISS BY</b>
	)	<b>DEFENDANTS AEGIS HANDMADE</b>
v.	)	<b>CARBON FIBER BICYCLES, LLC, AEGIS</b>
	)	<b>RACING BIKES USA, LLC, AND</b>
KEITH BAUMM, et al.,	)	<b>FASTBIKES USA, LLC</b>
	)	
Defendants.	)	

Defendants Aegis Handmade Carbon Fiber Bicycles, LLC (“Aegis Handmade”), Aegis Racing Bikes USA, LLC (“Aegis Racing”), and Fastbikes USA, LLC (“Fastbikes”) (collectively, the “Moving Defendants”), by and through the undersigned counsel, move to dismiss all causes of action asserted against them pursuant to Fed.R.Civ.P. Rule 12(b)(6), for failure to state a claim upon which relief may be granted, and pursuant to Fed.R.Civ.P. Rule 12(b)(2), on the grounds that this court lacks personal jurisdiction over the Moving Defendants.

The sole amendment made to this Motion is that the undersigned counsel hereby certifies to the Court pursuant to Local Rule 7.1 that he has conferred with counsel for the Plaintiff in a good-faith effort to resolve or narrow the issues raised by this Motion. Counsel for Plaintiff does not consent to the dismissal of Plaintiff’s causes of action against the Moving Defendants.

The Moving Defendants are filing herewith their memorandum in support of this Motion.

WHEREFORE, Defendants Aegis Handmade Carbon Fiber Bicycles, LLC, Aegis Racing Bikes USA, LLC, And Fastbikes USA, LLC request that all causes of action against them be

dismissed with prejudice, and that they be awarded the costs of this action, and request such other or further relief as the Court may deem just or appropriate.

#### **REQUEST FOR ORAL ARGUMENT**

The Moving Defendants request the opportunity for oral argument with respect to this Motion.

DATED at Portland, Maine this 19th day of July, 2007.

/s/ Paul R. Johnson

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#### **CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the following registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants, on this 19th day of July, 2007.

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